

IMI 40015

Practitioner's Docket No. _____

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul Weber, William Nelson and Randy Alberg

Application No.: 09 / 639,868

Filed: August 16, 2000

Group No.: 1724

For: Semi-Frozen Food
Product Carbonator

Examiner: Charles S. Bushey

Batch No.

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

TRANSMITTAL OF PAYMENT OF ISSUE FEE (37 C.F.R. § 1.311)

NOTE: Submission of a Transmittal of Payment of Issue Fee after issuance of the Notice of Allowance in an application does **not** result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

1. Applicant hereby pays the issue fee for the attached Issue Fee Transmittal PTOL-85.

NOTE: 37 C.F.R. § 1.27(g): "(1) New determination of entitlement to small entity status is needed when issue and maintenance fees are due. Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.

(2) Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate."

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☒ with sufficient postage as first class mail.☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: September 14, 2004

Signature

Kristine Carroll

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(complete the following, as applicable)

2. ☐ Applicant

A. Asserted small entity status in this application on _____ (Date) by

(complete the following, as applicable)

- ☐ payment of the basic ☐ filing ☐ national fee as a small entity (37 C.F.R. § 1.27(c)(3))
- ☐ submission of a written assertion of small entity status (37 C.F.R. § 1.27(c)(1))

WARNING: "Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate." 37 C.F.R. § 1.27(g)(2).

(complete the following, as applicable)

- ☐ Applicant hereby notifies the Office, in accordance with the requirements of 37 C.F.R. § 1.27(g)(2), that it no longer has status as a small entity.
- ☐ A "NOTIFICATION OF LOSS OF STATUS AS SMALL ENTITY" signed by an appropriate party as required by 37 C.F.R. § 1.27(g)(2) and § 1.33(b) is attached.
- ☐ It is confirmed that small entity status for this application has been checked and it is still in effect and is being asserted.

B. Applicant hereby asserts small entity status for this application.

- ☐ An "ASSERTION OF SMALL ENTITY STATUS" signed by an appropriate party as required by 37 C.F.R. § 1.27(c)(2) is attached.

3. Fee (37 C.F.R. § 1.18(a) and (b)):

Application status is:

- ☐ small business entity—fee
- ☒ other than a small entity—fee

Regular

- ☐ \$665.00
- ☒ \$1,330.00

Design

- ☐ \$240.00
- ☐ \$480.00

4. Payment of fee: X Issue Fee _____ Publication fee X Patent copy fee

☐ Attached is a ☐ check ☐ money order in the amount of \$ _____

☒ Authorization is hereby made to charge the amount of \$ 1339.00

- ☒ to Deposit Account No. 03-3240 or in alternative - 10-1324
- ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

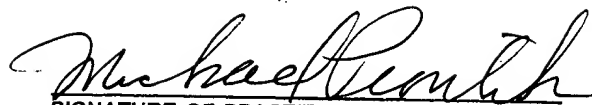
A duplicate of this paper is attached.

NOTE: The corrected drawings were submitted with
September 13, 2004 Rule 312 Amendment and
September 14, 2004 second Rule 312 Amendment.

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SIGNATURE OF PRACTITIONER

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